

**FILED**

**AUG 17 2015**

**Clerk, U.S. District Court  
District Of Montana  
Missoula**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MICHAEL McLEAN,

Defendant.

CR 15-30-BU-DLC

FINDINGS AND  
RECOMMENDATION  
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to two counts of wire fraud in violation of 18 U.S.C. § 1343 (Counts I and II), and one count of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) (Count VI) as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts III-V, and Counts VII-X of the Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering informed and voluntary pleas,

2. That the Defendant is aware of the nature of the charges against him and consequences of pleading guilty to the charges,

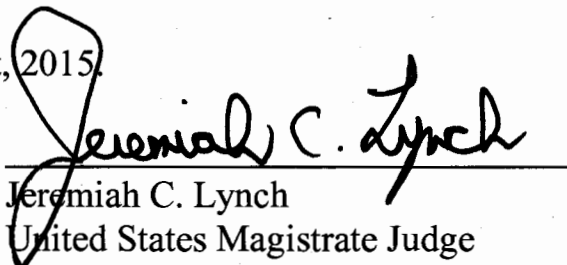
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and

4. That the pleas of guilty are knowing and voluntary pleas, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I, II, and VI of the Indictment, and that sentence be imposed. I further recommend that Counts III-V, and VII-X of the Indictment be dismissed.

**This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.**

DATED this 17<sup>th</sup> day of August, 2015.

  
Jeremiah C. Lynch  
United States Magistrate Judge